App F IX 4

1941 ( )

File No 56-41

Serial Nos 125, 126

Previous References
ML 53-39-34, 35, 36, 42-44
ML 152-39-1
" 70-35-17, 19
" 70-35-18 20

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Dec 1941

SUBJECT

Term Date for reckoning the one-year terms of the President & the Vice President of the Bangalore City Municipal Council

To the President,
City Municipal Council, Mysore

(126) Do No L 5514 dt 31-12-41
State that the — is the date of the re constitution of the municipal Council

To the Municipal Comm
Bangalore City
" Completter
L 5515 dt 31-12-41
Forwards copies of the ac

(Pl) 1/2/42

Serial No

From the Dpt, cif-mlcl, Mysore
No G-C 567/41 Dt 23-12-41
Requests to be intimated of the terms of the Dpt & the Vice Dpt are to be reckoned from the date of taking charge of the offices or from the date of reconstitution of the mcl.

1 It is stated that the Dpt & Vice Dpt of the cif mlcl took charge of their offices on 26-1-1941 and that they are entitled to remain in offices till 25-1-42 just to complete the period of one year (12 months).

2 The Govt order No 5670-2/ml-152-39-1 Dt 20-12-39 issued in this behalf is clear - It will not be possible for all the Dpts & Vice Dpts to hold their offices for a period of one year - 12 months in full - The first Dpt & the Vice Dpt of the newly reconstituted council will have to remain in offices a little less than 12 months as the elections have to take place only after the reconstitution of the mcl.

3 If the Concession asked for now is shown to the first Dpt & Vice Dpt, the same difficulty will arise in the

NOTE—Contn Sheet

WD 04155—GPB—55 000—23 10 41

Term of the Pdt & the Vice Pdt, Pj'cy only

File No 3734/L 3516 fsl of 194

General and Revenue Secretariat

Serial No

case of the last elected Pdt & Vice Pdt:-

4 The rules as they stand are in order and require no change

Submitted for orders. The Law section may also be consulted

W.N.S. 24/12

6 The terms of the President & Vice President of the Bangalore city Mdty were each limited to one year in Go no R 9 1646 ml 70-35-19 and R 9220-4/ml 70-35-20 dated 4 6 36 & 8 6 36 respectively

In Go no R 5670-2/ml 152-39-1 dated 20-12-39, the term of "one year" referred to in the above Gos was ordered to be reckoned from the date of reconstitution of the Ml bl. Kind reference is invited to the notes from pp 10 to 13 of that file, leading to the issue of the above Go

7 The President, Bangalore Mdl Mdty contends that the term of one year should be from the date of taking charge & not from the date of reconstitution of the Ml bl as directed in the Go dated 20 12-39

The Law section may be consulted on the point

Law Secy for

Asst Secy Law dept

for 24/12/41

for Hon Secy 24/12/41

BEGY LAW DEPT 24 DEC 1941 GOVT OF MYSORE

Serial No

9 I think the view taken by the Law Committee seems to be correct & the G.O. No 5670-2/M/-132-37, dated 20.12.39 has to be modified, in as much as in respect of the Presidentship term, except as the reckoning of "one year" from the date of the "reconstitution of the Municipal Council does not seem to be quite in accordance with Law

10 The term of the office of the President-fixed for one year is quite in order. The question is, how that one year is to be reckoned for this, we have to depend on the General Clauses Act, in which 'Year' is defined as follows - It- "shall mean a year reckoned according to the British Calendar" (ee) 12 months makes a year according to the British Calendar so according to Statutory provisions the term of the President's office shall be ~~one~~ of 12 months

11 The President elected becomes a President when his election is approved by Govt- ~~and~~ when & it is on the date of approval by Govt- that the President- takes charge of his office- & his term of one year commences from the date he takes charge of his office- it-

NOTE—Contn Sheet

WD 04155—GPB—55 000— 3 10 41

3516

File No | of 194 | General and Revenue Secretariat

Serial No

cannot commence from the date of the reconstitution of the Council, because on that date there was no President

(2) Hence the term of one year should be calculated from the date the President accepts his office, & should continue for a period of 12 months from that date, & this is wholly in accordance with Statutory Provisions. I most respectfully submit that the G O mentioned above has to be suitably amended to be in accordance with Law.

(3) As per the Provisions of the last clause, the term will be less than one year because the whole Council may dissolve earlier

Secondly as Statutory Provisions, the President ceases to be a President, when he ceases to be a Councillor.

Law Secretary
27/12/41

(4) For the sake of uniformity, the G O has been issued as S 23 (12) of the T H Act does not make the year to commence from the date of taking charge the Gov-

GOVT LAW DEPT
27 DEC 1941
GOVT OF MYSORE

Dept A

computation of the period of one year
re date of office of the President &
Vice President
principle fly

Serial No

have fixed the year to begin from the date of the re-constitution of the Municipal Council and thereby making the elections of the President and Vice President annual

2) There is no need to re-consider the G O at present

Munster
L S S
Dewan)

Hm
27/12/41
for
Hg
30/12/41
for 30/12/41

MM
30/12/41

Submitted with a draft Do letter for appl.

MB
31/12

Issue at once
Lr
31/12/41

31/12

To W. H Hanumanthappa, Esqr
Pch, Cff mn cl, Bangalore
Domo L 5514 Dy 31-12-41
Directs that the charges have to be handed over to the newly elected Pst & Vice Pst by the present incumbents on the evening of 31-12-41
To the mn Commr, the Comptroller
ro L 5515-16 Dy 31-12-41
Forwards a copy of the above.

The charge Report is placed on the file

NOTE—Cont Sheet

WD 41bb—G/B—50 000—23-10-41

File No. of 19

General and Reserve Secretariat

Serial No

GRS III—3]

[To be used only for no

REPORT OF TRANSFER OF CHARGE BY OFFICERS

3-JAN 1942

(Vide *para 104 of the Mysore Treasury Manual*)

No C.C 567/41 Office of the Municipal Commissioner

Dated 31st December 1941

1 Name and designation of relieved officer—
K N Hanumanthaiya, Esq
Hon. President, City Municipal Council
Bangalore

2 Name and designation of relieving officer—
K Hanumanthaiya Esq BA&LLB
Municipal Councillor

3 Date and hour of transfer of charge —
Forenoon of 31st Dec 1941

4 Authority under which the transfer is made and the reason for such transfer— Govt Order No DSS 11/17 L SB, 41 108 & 30/12/41 appointing the Hon'ble Mr K Hanumanthaiya BA&LLB as President Mun Council.

Certificate

(1) Separate statement showing the details of cash stamps opium and bill forms in stock (*vide* Article 47 of the Civil Account Code Volume I and

2) an acknowledgment of the prescribed printed advices on the prescribed printed form (*vide* para 221 of the Treasury Manual) have / has been attached to the charge report forwarded to the Comptroller to the Government of His Highness the Maharaja of Mysore

N B—Certificate No 1 is required in cases of transfer of charge of Taluk Treasuries by Assistants and of District Treasuries by District Commissioners

Signature of relieved officer

K Hanumanthaiya
Signature of relieving officer

The should be signed by relieved officer

I I O

Sanctioned for perusal
7/1/42
7/1

7/1/42

N B —Should routine notes be written on small slips the notes must be copied or slips pasted on this form

WD 05639—36 000—GPB—20 3 40

Appendix F G—1]

SUBJECT

21 C C 567/41

MR 56-41-125

W H HANUMANTHAPPA
HON PRESIDENT CITY MUNICIPAL COUNCIL

L. 3734 BANGALORE CITY

Dated 23rd Decem 1941

Dear Sir,

The Elections to the Offices of the President and Vice President took place yesterday and the result of the same has been communicated to Government with Commissioner's letter No C1 C 567/41 of 22-12-1941

2 While, in the usual course, the approval of Government for the Elections is awaited, the question of the date on which I, as President and Mr K Shamaraja Iyengar as Vice President will have to hand over our respective charges, has cropped up for consideration In this connection, kind reference is invited to Section 23(12) of the Mysore Cities Municipalities Act, wherein it is stated that ordinarily a President's term of office will be three years, as it is co-extensive with his term of office as councillor But the proviso under the above section qualifies the above and states that in special cases, in the case of elected Presidents and Vice Presidents, the Government may with the consent of the Council, limit their terms to one year And in pursuance of the above, the Government have passed an Order No L 5670-2/M1 152-39-1 dated 20-12-39 that the term of ' One Year ' fixed for the offices of the President and Vice President be reckoned from the date of reconstitution of the Council

3 As the Statute fixes the period of the Offices of the President and Vice President to one year, the Government Order of 20-12-39 restricts the same and thus would conflict with it, in as much as it would mean that the President and Vice President for the first year of a newly constituted Council shall hold office for a period less than one year, as it happens that they can take charge of their offices only after being elected in a meeting of the newly constituted Council, which will be in the month of January As an instance, the Present Council was reconstituted from January 1941 and I and Mr K Shamaraja Iyengar

took charge of the offices of the President and Vice President respectively on 26-1-41 In pursuance of the Government Order of 20-12-39, we have to lay down our offices on 31-12-41 Under the General Clauses Act, one year means full one year of 12 months, and this is what is implied in the Section referred to above I am therefore inclined to think that the period of one year cannot be qualified to mean any period less than one year and we will have to hold office till 25-1-42 Under the proviso to the Section mentioned above, Government can only fix the term for one year and, it is submitted, cannot by an Executive order further restrict the term.

4 If the above view of mine is accepted, the Presidents and Vice Presidents for the first two terms of the reconstituted Council will have to be in charge of their respective offices for the full period of one year from the date of taking charge The President and Vice President for the 3rd year cannot have this advantage of the full term of one year from the date of taking charge, as the term of the Council itself expires by the end of December of that year and the newly constituted Council comes into effect from January next, and also as the term of these two offices is co-extensive with the term of the Council under Section 23(12) of the Act

5 In the light of the above, I am of opinion that the period of one year in the case of the first two Presidents and Vice Presidents will have to be taken to mean one year from the date of t king charge and not from the date of reconstitution as set forth in the Order of 20-12-39, and I request to be favoured with the opinion of the Government in the matter.

Yours sincerely,

H V Narayana Rao, Esq , B A ,LL B ,

Secretary to Government,
Law Department,
Bangalore

Appendix F G—1]

SUBJECT

Section

K. SHAMARAJA IYENGAR BA
VICE PRESIDENT
CITY MUNICIPAL COUNCIL

BANGALORE CITY

Dated 23rd Decr. 1941

Dear Sir,

The Elections to the offices of the President and Vice President took place yesterday and the result of the same has been communicated to Government with Commissioner's No C1 C 567/41 of 22-12-1941.

2. While in the usual course, the approval of Government for the elections is awaited, the question of the date on which I as Vice-President and Mr W H. Hanumanthappa as President, will have to hand over our respective charges, has cropped up for consideration. In this connection, kind reference is invited Sec.23(12) of the Mysore City Municipalities Act, wherein it is stated that ordinarily a President's term of office will be 3 years, as it is co-extensive with his term of office as Councillor. But the proviso under the above Section qualifies the above and states that in special cases, in the case of elected Presidents and Vice-Presidents, the Governmentmay, with the consent of the Council, limit their term to one year And in pursuance of the above, the Government have passed an Order No L 5670-2/M1 152-39-1 dated 20-12-39 that the term of 'one year' fixed for the offices of the President and Vice-President, be reckoned from the date of reconstitution of the Council

3 As the Statute fixes the period of the offices of the President and Vice-President to one year, the Government Order of 20-12-1939 restricts the same and thus would conflict with it, in as much as it would mean that the President and Vice-President for the first year of a newly constituted Council shall hold office for a period less than one year, as it happens that they can take charge of their offices only after being elected in a meeting of the newly constituted Council, which will be in the month of January. As an instance, the present Council was reconstituted from January 1941 I and Mr. W H Hanumanthappa took charge of the offices of the President and Vice-President respectively on 26-1-1941 In pursuance of the Government Order of 20-12-1939, we have to lay down our offices on 31-12-1941 Under the General Clauses Act one year means full one year of 12 months, and this is what is implied in the Section referred to above I am therefore inclined to think that the period of one year cannot be qualified to mean any period less than one year and we will have to hold office till 25-1-1942 Under the proviso to the Section mentioned above, Government can only fix the term for one year and it is submitted, cannot by an Executive Order further restrict the term.

4 If

took charge of the offices of the President and Vice President

4. If the above view of ~~him~~ mine is accepted, the Presidents and Vice-Presidents for the first two terms of the reconstituted Council will have to be in-charge of their respective offices for the full period of one year from the date of taking charge. The President and Vice-President for the 3rd year cannot have this advantage of the full term of one year from the date of taking charge, as the term of the Council itself expires by the end of December of that year and the newly constituted Council comes into effect from January next, and also as the term of these two offices is co-extensive with the term of the Council under Section 23(12) of the Act

5. In the light of the above, I am of opinion that the period of one year in the case of the first two Presidents and Vice-Presidents will have to be taken to mean one year from the date of taking charge and not from the date of reconstitution, as set forth in the order of 20-12-1939, and I request to be favoured with the opinion of the Government in the matter.

Yours Sincerely,

K. Shamanjacharya

23 12 41

H. V. Narayana Rao,Esq.,B.A ,LL.B.,
Secretary to Government,
Law Department,
Bangalore

Appendix F G—1]

SUBJECT

Section
File No 56-41
Serial No 126.

Diary No of letter replied to

No L 5514

To

General and Revenue Secretariat

( )

the *19*

Dear Sir,

Date of issue 31/12/41

Signed by Mr GRR

With reference to your letter No C1 C 567/41 dt 23 12 41 and that of the Vice Dot of the same ~~date~~ date, on the matter of the date of termination of the offices of the Dot & Vice-Dots of the City ml council, I am desired to state that Govt in their order No L 5670-2/ml 152 39-1 have already defined the 20/12/39 "term of one year" as reckoning from the date of reconstitution of the ml cl Accordingly Govt are of the opinion that the

List of enclosures

Copied by

Examined by

Charges has/to be handed over
to the newly elected Pdt & Vice-Pdt by
the present incumbents on the
evening of the 31st Dec 1941

yours sincerely
for
Dy Secy to Govt
Law Dept
31/12

Memo no L 5515-16 Dt 31/12/41

1) Copy of the above is forwarded with compliments to the ml Commr, Bcis, for information

2) Cow (6)

By order
for
Dy Secy to Govt
Law Dept
31/12

31/12

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore, 31/12/41

D O No. L 5514/mrl

Dear Sir,

With reference to your letter No.C1.C.567/41 dated 23rd December 1941, and that of the Vice President of the same date, in the matter of the date of termination of the offices of the President and Vice President of the City Municipal Council, I am desired to state that Government have already defined in their order No.L.5010-2/M.L.182-39-1 dated 20th December 1939 the "term of one year", as reckoning from the date of reconstitution of the Municipal Council. Government are accordingly of the opinion that the charges have to be handed over to the newly elected President, / Vice President by the present incumbents on the evening of the 31st December 1941.

Yours sincerely,

Sd/- H V Narayanamurthy

W.P. Hanumanthappa, Esq.,
Hon.President,
City Municipal Council,
Bangalore.

Memo No. L 5515-16 dated, Bangalore, 31st December 1941.

Copy of the above is forwarded with compliments to the

(1) Municipal Commissioner, Bangalore City, for information
(2) The Comptroller to Government, -do-

By Order,

for Secretary to Government,
Law Department.